

FILED

**United States District Court
Western District Of Oklahoma**

SEP 9 2005

ROBERT D. DENNIS, CLERK
U.S. DIST. COURT, WESTERN DIST. OF OKLA.
BY [Signature], DEPUTY

UNITED STATES OF AMERICA

V.

SEAN MICHAEL GILLESPIE

JUDGMENT IN A CRIMINAL CASE

CASE NUMBER: CR-04-94-C
USM NUMBER: 23278-009

Tony Lacy, Susan Otto
Defendant's Attorney

THE DEFENDANT:

- ☐ pleaded guilty to count(s) _____.
- ☐ pleaded nolo contendere to count(s) _____, which was accepted by the court.
- ☒ was found guilty on count(s) one, two and three of indictment after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Offenses Ended</u>	<u>Count</u>
18:924(c)(1)(A)	Knowingly Used and Carried a Firearm (Destructive device) during and in relation to a crime of violence	April 1, 2004	1
18:844(i)	Knowingly and maliciously attempted to damage, and did damage, by means of fire and explosive, a building used in interstate commerce.	April 1, 2004	2
26:5861(d)	Knowingly and unlawfully possessed a firearm (destructive device) which had not been registered to him in the National Firearm Registration and Transfer Record.	April 1, 2004	3

The defendant is sentenced as provided in pages 2 through 4 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

- ☒ It is ordered that the defendant shall pay a special assessment of \$100 for each of count(s) 1, 2 and 3 of indictment, for a total of \$300, which shall be due immediately.

IT IS FURTHER ORDERED that the defendant shall notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant shall notify the Court and the United States Attorney of any material change in the defendant's economic circumstances.

August 30, 2005
Date of Imposition of Judgment

[Signature]
Signature of Judicial Officer

ROBIN J. CAUTHRON, U. S. DISTRICT JUDGE
Name and Title of Judicial Officer

September 9, 2005
Date Signed

DEFENDANT: GILLESPIE, SEAN MICHAEL
CASE NUMBER: CR-04-94-C

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of Four hundred sixty-eight (468) months. This consists of terms of 360 months as to count 1 and 108 months as to counts 2 and 3, to be served concurrently with each other, and consecutively to count 1.

☒ The court makes the following recommendations to the Bureau of Prisons: **Federal Medical Center in Rochester, Minnesota, if eligible.**

The Court finds this case presents unusual features that merit specific findings. Sean Gillespie's past behavior indicates he may have sustained organic brain injury as a result of his exposure to and use of alcohol and illicit substances. The Court finds there is evidence indicating Mr. Gillespie may have a cognitive and/or behavioral disorder that places him at extreme risk of exploitation if confined in a general population facility. The Court strongly recommends Mr. Gillespie be designated to an appropriate facility capable of evaluating, diagnosing, and providing treatment to Mr. Gillespie. The Court recommends the submission of this case to the Medical Designator for determination of an appropriate facility. The Court recommends designation to the Federal Medical Center in Rochester, Minnesota.

It is recommended that the defendant participate in the Financial Responsibility Program at a rate determined by Bureau of Prisons staff in accordance with the requirements of the Inmate Financial Responsibility Program.

It is recommended that the defendant participate in the Residential Drug Abuse Program while incarcerated.

It is recommended that the defendant participate in mental health counseling while incarcerated.

☒ The defendant is remanded to the custody of the United States Marshal.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____ at _____, with a certified copy of this judgment.

United States Marshal

By _____
Deputy Marshal

DEFENDANT: GILLESPIE, SEAN MICHAEL
CASE NUMBER: CR-04-94-C

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of **five (5) years. This term consists of 5 years on count 1 and 3 years on counts 2 and 3, all such terms to run concurrently.**

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.

- ☐ The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. (Check if applicable.)
- ☒ The defendant shall not possess a firearm, destructive device, or any other dangerous weapon. (Check, if applicable.)
- ☒ The defendant shall cooperate in the collection of DNA as directed by the probation officer if the collection of such a sample is authorized pursuant to Section 3 of the DNA Analysis Backlog Elimination Act of 2000.
- ☐ The defendant shall register with the state sex offender registration agency in the state where the defendant resides, works, or is a student, as directed by the probation officer. (Check, if applicable.)
- ☐ The defendant shall participate in an approved program for domestic violence. (Check, if applicable.)

If this judgment imposes a fine or restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) The defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any narcotic or other controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view by the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

DEFENDANT: GILLESPIE, SEAN MICHAEL
CASE NUMBER: CR-04-94-C

PAGE _4_ OF _4_

SPECIAL CONDITIONS OF SUPERVISION

The defendant shall participate in a program of mental health aftercare at the direction of the probation officer. The defendant may be required to contribute to the cost of services rendered (copayment) in an amount to be determined by the probation officer, based on the defendant's ability to pay.

The defendant shall complete a program of substance abuse aftercare as directed by the probation officer. The defendant shall totally abstain from the use of alcohol and other intoxicants both during and after completion of any treatment program. The defendant may be required to contribute to the cost of services rendered (co-payment) in an amount to be determined by the probation officer, based on the defendant's ability to pay.